

SENATE BILL 3631

By Roberts

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 12; Title 39, Chapter 14; Title 39, Chapter 16 and Title 39, Chapter 17, relative to disruptive and illegal conduct.

WHEREAS, the state of Tennessee is a right to work state; and

WHEREAS, the state's right to work laws are founded on the basic principle that every individual has an inherent right to choose if they want to join a union or an employee organization, and this right to choose should not impact their employment; and

WHEREAS, the state of Tennessee recognizes the importance and necessity of fostering economic development and job creation; and

WHEREAS, certain reprehensible activities, that entities may engage in during a corporate campaign, such as bribery, intimidation and coercion can make the State an unwelcoming and dangerous place for new business and job growth; and

WHEREAS, activities such as bribery, intimidation, extortion, racketeering and coercion are illegal and present a substantial risk to public safety and the wellbeing of the State's citizens, workers and businesses; and

WHEREAS, certain limited and reasonable restrictions are deemed necessary to protect our citizens from these harms; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-16-102(b), is amended by designating the existing language as subdivision (1) and adding the following new subdivision (2):

(2) It is no defense to prosecution under this section that the person who sought to influence a public official did so on behalf of a public or private organization,

corporation, union, agency or other entity's behalf, for purposes of an organizing campaign or any other lawful purpose.

SECTION 2. Tennessee Code Annotated, Section 39-17-309(b), is amended by adding the following new subdivision thereto;

(5) Damages, harms, injures or threatens to injure or coerce a business, or any employee or representative of the business with the intent to unlawfully intimidate the business or its employees from exercising their rights, which are protected by state and federal law, in an effort to obtain something of value for a public or private organization, corporation, union, agency or other entity, including but not limited to, a neutrality agreement, card check agreement, collective bargaining recognition, or other objective of a corporate campaign.

SECTION 3. Tennessee Code Annotated, Section 39-14-112(a), is amended by adding the following new subdivision thereto:

(3) Restrict a business, a union, or the owners or employees of a business, from exercising their rights, which are protected under state and federal law, in an effort to obtain something of value for a public or private organization, corporation, union, agency or other entity, including but not limited to, a neutrality agreement, card check agreement, recognition, or other objective of a corporate campaign.

SECTION 4. Tennessee Code Annotated, Section 39-17-301(3), is amended by deleting the subdivision and substituting instead the following language:

(3) "Riot" means a disturbance in a public place or penal institution as defined in § 39-16-601 involving an assemblage of three (3) or more persons, whether or not participating in any otherwise lawful activity, such as a union or employee organized event, which, by tumultuous and violent conduct, creates grave danger of substantial damage to property or serious bodily injury to persons or substantially obstructs law enforcement or other governmental function; and

SECTION 5. Tennessee Code Annotated, Section 39-12-204, is amended by designating the existing subsection (d) as subsection (e), and redesignating the remaining subsections accordingly, and adding the following as a new subsection (d):

(d) It is unlawful for any person to utilize a pattern of racketeering activity in an effort to restrict a business, a union, or the owners or employees of a business, from exercising their rights, which are protected under state and federal law, in an effort to obtain something of value for a public or private organization, corporation, union, agency or other entity, including but not limited to, a neutrality agreement, card check agreement, recognition, or other objective of a corporate campaign.

SECTION 6. Tennessee Code Annotated, Section 39-12-204, is amended by adding the following subsection (h):

(h) It is unlawful for any person to conspire with another for the purpose of disrupting lawful commerce in places of business, where such activity threatens or adversely affects the health and physical well-being of any individual, located in or around the place of business.

SECTION 7. Tennessee Code Annotated, Section 39-12-206, is amended by adding the following subsection (n):

(n) In any civil action for violation of § 39-12-204(h) the prevailing plaintiff shall be entitled to treble damages upon a showing that the conspiracy threatened or adversely affected the health and physical well-being of such plaintiff.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.